

REMARKS/ARGUMENTS

Claims 9-13, 15-19, and 29-33 are pending in this Application.

In the Office Action, claims 9-13 and 15-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0139327 (hereinafter “Brown”) in view of U.S. Patent Application Publication No. 2006/0179008 (hereinafter “Tallent”). Claims 29-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown, in view of U.S. Patent Application Publication No. 2003/0154376 (hereinafter “Hwangbo”, in further view of Tallent.

Applicants respectfully traverse the rejections to claims 9-13, 15-19, and 29-33 and request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on Brown, Hwangbo, and Tallent. Applicants respectfully submit that Brown, Hwangbo, and Tallent, either individually or in combination, fail to disclose or suggest receiving a certificate as recited in claim 9 that includes both a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments.

Applicants further respectfully request withdrawal of the finality of the rejections as at least one issue related to the above rejection remains unclear between the Examiner and Applicants. For example, claim 9 recites the limitation of receiving a payment request together with a certificate that includes authority information. As recited in claim 9, the authority information in the certificate includes 1) a maximum payment that the user is authorized to make and 2) an identification of payees to whom the user is authorized to make payments. Applicants are unclear as to what evidence the Office Action is using to support its determination that at least this limitation recited in claim 9 would have been obvious in view of Brown, Hwangbo, and Tallent. Furthermore, the issue of whether Brown, Hwangbo, and Tallent, either individually or in combination, disclose or suggest receiving a certificate as recited in claim 9 that includes both a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments does not appear to have been completely addressed in the remarks of the Office Action rendering the Office Action deficient.

The Office Action argues on page 3 in paragraph 4 that Brown discloses receiving a certificate that includes authority information having a maximum payment amount. This is readily clear from FIG. 8G of Brown wherein a certificate is checked for a maximum signing authority in step 886. However, nowhere does Brown further disclose that the certificate is checked for an indication of payees to which the user is authorized to make payments as recited in claim 9.

The Office Action fails to clarify this issue of whether Brown, Hwangbo, and Tallent, either individually or in combination, disclose receiving a certificate that includes both a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments as recited in claim 9. Specially, in what appears to be arguments directed toward whether Brown discloses receiving a certificate that includes an identification of payees to whom the user is authorized to make payments as recited in claim 9, on page 4, the Office Action argues in paragraph 5 that a payment request implicitly includes a payee in order for the payment request to be effective. The Office Action then concludes that Brown discloses the claimed limitation (e.g., which Applicants assume is the limitation recited in claim 9 of receiving a certificate that includes an identification of payees to whom the user is authorized to make payments).

Yet, a reminder “that a payment request is incomplete without an indication of payees or who should receive the payment” does not provide evidence or a convincing line of reasoning that Brown, Hwangbo, and Tallent disclose the subject limitation of receiving a certificate as recited in claim 9 that includes both a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments as recited in claim 9. It is not inherent that because a payee is implied in a payment request in order for the payment request to be effective that a user making the payment request is also in fact authorized to make payments to that payee which is an example of at least one problem solved by including an identification of payees to whom the user is authorized to make payments in the received certificate as recited in claim 9.

The Office Action further argues in paragraph 6 that the disclosure of Tallent further lends “support that a payment request must always indicate a payee.” (Emphasis added). At this point, the arguments in the Office Action appear only directed to whether a payment request can include an indication of a payee. A payment request is a substantially different entity in claim 9 from a certificate that includes both a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments as recited in claim 9. As recited in claim 9, the payment request is received “together with” the certificate. The Office Action merely reiterates the arguments of paragraphs 4-6 in paragraph 7. Accordingly, Applicants are unclear as to what evidence the Office Action is using to support its determination that at least the limitation recited in claim 9 of receiving a certificate that includes both a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments would have been obvious in view of Brown, Hwangbo, and Tallent.

Therefore, Applicants respectfully submit that Brown, Hwangbo, and Tallent, either individually or in combination, fail to disclose or suggest receiving a certificate as recited in claim 9 that includes both a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments. Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on Brown, Hwangbo, and Tallent.

Appl. No. 10/727,409
Amdt. dated May 7, 2010
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3685

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

/Sean F. Parmenter, Reg. No. 53,437/
Sean F. Parmenter
Reg. No. 53,437

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
SFP:lls
62546110 v1